

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

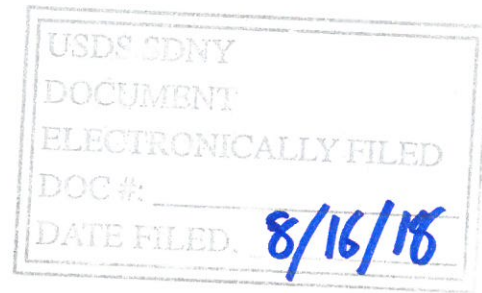
FERN HELMS,

Plaintiff,

-v-

FACEBOOK, INC.,
MARK E. ZUCKERBERG,
DAVID M. WEHNER, and
SHERYL K. SANDBERG,

Defendants.



No. 18-cv-6774 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

Plaintiff instituted this securities class action against Facebook, Inc. (“Facebook”), Mark E. Zuckerberg (the Chairman and Chief Executive Officer of Facebook), David M. Wehner (the Chief Financial Officer of Facebook), and Sheryl K. Sandberg (the Chief Operating Officer of Facebook) in this Court on July 27, 2018. (Doc. No. 1.) The case was assigned to Judge Paul A. Engelmayer on July 30, 2018. On August 15, 2018, this case was reassigned to my docket as related to *Kacouris v. Facebook, Inc. et al.*, No. 18-cv-6765 (RJS).

On August 9, 2018, the Court received a letter in *Kacouris* from two proposed intervenors: (1) the Public Employees Retirement System of Mississippi and (2) Amalgamated Bank, as Trustee for the LV LargeCap 100 Growth Index Fund, LongView Quantitative Large Cap Fund, and LongView Quant LargeCap Equity VEBA Fund (together, “Intervenors”). (18-cv-6765, Doc. No. 6.) In the letter, Intervenors assert that they are the court-appointed Lead Plaintiffs “in the consolidated securities class action against Facebook,” *In re Facebook, Inc. Sec. Litig.*, No. 5:18-cv-01725-EJD (N.D. Cal.), pending before Judge Edward J. Davila in the Northern District of

California. (*Id.*) That suit was filed on March 20, 2018. (See N.D. Cal. Case No. 5:18-cv-01725-EJD, Doc. No. 1.) Intervenors argue that *Kacouris* and this action both involve “the same securities law claims against the exact same Defendants concerning the same types of misrepresentations during overlapping class periods” as the Northern District of California lawsuit. (18-cv-6765, Doc. No. 6 at 2.) Accordingly, Intervenors assert that they plan to “move to intervene” in *Kacouris* and in this suit and to “transfer both cases to the Northern District of California to be consolidated with the existing” suit. (*Id.* at 1.)

On August 10, 2018, the Court entered an order directing the plaintiff in *Kacouris* to respond to Intervenors’ letter no later than Tuesday, August 14, 2018 and directing the defendants in that case to respond to the letter no later than Friday, August 17, 2018. (18-cv-6765, Doc. No. 7.) The Court also ordered counsel for all parties in *Kacouris* – including Intervenors – to appear at a conference on August 29, 2018 at 10:00 a.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, to discuss Intervenors’ contemplated motion to intervene and transfer.

Because Intervenors plan to move to intervene in this case and to transfer it, along with *Kacouris*, to the Northern District of California, IT IS HEREBY ORDERED that counsel for Plaintiff shall also appear at the August 29, 2018 conference. IT IS FURTHER ORDERED that Plaintiff shall file a response to Intervenors’ letter, not to exceed three pages, no later than Monday, August 20, 2018. IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this order on Intervenors and Defendants no later than Friday, August 17, 2018, and shall file a certificate of service on the Court’s electronic docket indicating that service was effected. IT IS FURTHER ORDERED that, to the extent Defendants seek to make any arguments in this case that are not applicable to *Kacouris*, Defendants shall respond to Intervenors’ letter and to Plaintiffs’ response

to that letter, no later than Wednesday, August 22, 2018. IT IS FURTHER ORDERED that, if Defendants are represented by different counsel in this case than in *Kacouris*, that counsel shall also appear at the August 29, 2018 conference. No further submissions will be accepted.

SO ORDERED.

Dated: August 16, 2018
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE